

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 176 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 6-1.1-1-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. **(a) Except as**
5 **provided in subsection (b), "assessed value" or "assessed valuation"**
6 means an amount equal to:

7 (1) for assessment dates before March 1, 2001, thirty-three and
8 one-third percent (33 1/3%) of the true tax value of property; and

9 (2) for assessment dates after February 28, 2001, the true tax
10 value of property.

11 **(b) For purposes of calculating a budget, rate, or levy under**
12 **IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-18.5, IC 6-1.1-19, IC 6-1.1-20,**
13 **IC 21-2-11.5, and IC 21-2-15, "assessed value" or "assessed**
14 **valuation" does not include the assessed value of tangible property**
15 **excluded and kept separately on a tax duplicate by a county**
16 **auditor under IC 6-1.1-17-0.5."**

17 Page 2, between lines 23 and 24, begin a new paragraph and insert:

18 "SECTION 3. IC 6-1.1-15-10 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) If a petition for
20 review to any board or an appeal to the tax court regarding an
21 assessment or increase in assessment is pending, the taxes resulting
22 from the assessment or increase in assessment are, notwithstanding the
23 provisions of IC 6-1.1-22-9, not due until after the petition for review,
24 or the appeal, is finally adjudicated and the assessment or increase in

assessment is finally determined. However, even though a petition for review or an appeal is pending, the taxpayer shall pay taxes on the tangible property when the property tax installments come due, unless the collection of the taxes is enjoined pending an original tax appeal under IC 33-3-5. The amount of taxes which the taxpayer is required to pay, pending the final determination of the assessment or increase in assessment, shall be based on:

(1) the assessed value reported by the taxpayer on his personal property return if a personal property assessment, or an increase in such an assessment, is involved; or

(2) an amount based on the immediately preceding year's assessment of real property if an assessment, or increase in assessment, of real property is involved.

(b) If the petition for review or the appeal is not finally determined by the last installment date for the taxes, the taxpayer, upon showing of cause by a taxing official or at the tax court's discretion, may be required to post a bond or provide other security in an amount not to exceed the taxes resulting from the contested assessment or increase in assessment.

(c) Each county auditor shall keep separate on the tax duplicate a record of that portion of the assessed value of property:

(1) on which a taxpayer is not required to pay taxes under subsection (a); or

(2) that is described in IC 6-1.1-17-0.5(b).

When establishing rates and calculating state school support, the state board of tax commissioners shall recognize the fact that a taxpayer is not required to pay taxes under certain circumstances.

SECTION 4. IC 6-1.1-17-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. (a) For purposes of this section, "assessed value" has the meaning set forth in IC 6-1.1-1-3(a).**

(b) The county auditor may exclude and keep separate on the tax duplicate the assessed value of tangible property that meets the following conditions:

(1) The assessed value of the property is at least nine percent (9%) of the assessed value of all tangible property subject to taxation by a taxing unit (as defined in IC 6-1.1-1-21).

(2) The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.

(c) The county auditor shall add to the tax duplicate the assessed value of tangible property excluded and kept separate under subsection (b) if the most recent installment of property taxes on the property has been paid."

Page 4, reset in roman lines 9 through 12.

- 1 Page 4, line 13, reset in roman "bankruptcy proceeding initially filed
2 in".
- 3 Page 4, line 13, after "1986" insert "**2000**".
- 4 Page 4, line 13, reset in roman "and payable in".
- 5 Page 4, line 15, after "1987;" insert "**2001**";.
- 6 Page 4, line 16, reset in roman "exceeds".
- 7 Page 4, line 16, after "(\$11,900,000)," insert "**sixteen million**
8 **dollars (\$16,000,000),**".
- 9 Page 4, reset in roman lines 17 through 22.
- 10 Page 4, line 23, reset in roman "(d)" and delete "(c)".
- 11 Page 4, line 39, delete "if:" and insert "**if the following conditions**
12 **are met:**".
- 13 Page 4, delete lines 40 through 42, begin a new paragraph single
14 block indented and insert:
- 15 **(1) At least one (1) installment of personal and real property**
16 **taxes due on tangible property subject to taxation by the**
17 **school corporation is delinquent.**
- 18 **(2) The assessed value of the tangible property described in**
19 **subdivision (1) is at least nine percent (9%) of the assessed**
20 **value of all tangible property subject to taxation by the school**
21 **corporation.**".
- 22 Page 5, delete lines 1 through 3.
- 23 Page 5, delete lines 13 through 20.
- 24 Page 5, line 21, delete "6." and insert "**5.**".
- 25 Page 5, between lines 35 and 36, begin a new line block indented
26 and insert:
- 27 **"(4) This section may not be construed to prevent the school**
28 **corporation from repaying a loan made under this chapter**
29 **before the date specified in subdivision (3)."**
- 30 Page 5, line 36, delete "7." and insert "**6.**".
- 31 Page 6, line 4, delete "counter-cyclical revenue and economic
32 stabilization fund." and insert "**common school fund.**".
- 33 Page 6, line 5, delete "8." and insert "**7.**".
- 34 Page 9, between lines 36 and 37, begin a new paragraph and insert:
35 "SECTION 9. IC 21-3-1.6-1.1, AS AMENDED BY P.L.93-2000,
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2001]: Sec. 1.1. As used in this chapter:
- 38 (a) "School corporation" means any local public school corporation
39 established under Indiana law.
- 40 (b) "School year" means a year beginning July 1 and ending the next
41 succeeding June 30.
- 42 (c) "State distribution" due a school corporation means the amount
43 of state funds to be distributed to a school corporation in any calendar
44 year under this chapter.
- 45 (d) "Average daily membership" or "ADM" of a school corporation
46 means the number of eligible pupils enrolled in the school corporation

or in a transferee corporation on a day to be fixed annually by the Indiana state board of education. Such day shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on the particular day thus fixed, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education shall monitor changes, which occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall, before December 2 of that same year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the adjusted count to the budget committee before February 5 of the following year. In determining the ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter. "Current ADM" of a school corporation used in computing its state distribution in a calendar year means the ADM of the school year ending in the calendar year. "ADM of the previous year" or "ADM of the prior year" of a school corporation used in computing its state distribution in a calendar year means the ADM of the school corporation for the school year ending in the preceding calendar year.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school corporation for certain pupils as set out in section 3 of this chapter and as determined at the times for calculating ADM. "Current additional count" means the additional count of the school corporation for the school year ending in the calendar year. "Prior year additional count" of a school corporation used in computing its state distribution in a calendar year means the additional count of the school corporation for the school year ending in the preceding calendar year.

(f) "Adjusted assessed valuation" of any school corporation used in computing state distribution for a calendar year means the assessed valuation in the school corporation, adjusted as provided in IC 6-1.1-34. The amount of the valuation shall also be adjusted downward by the state board of tax commissioners to the extent it consists of real or personal property owned by a railroad or other corporation under the jurisdiction of a federal court under the federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation being involved in a bankruptcy proceeding the corporation is

delinquent in payment of its Indiana real and personal property taxes for the year to which the valuation applies. If the railroad or other corporation in some subsequent calendar year makes payment of the delinquent taxes, then the state superintendent of public instruction shall prescribe adjustments in the distributions of state funds pursuant to this chapter as are thereafter to become due to a school corporation affected by the delinquency as will ensure that the school corporation will not have been unjustly enriched under the provisions of P.L.382-1987(ss). **The amount of the valuation shall also be adjusted downward by the state board of tax commissioners to the extent it consists of real or personal property described in IC 6-1.1-17-0.5(b).**

(g) "General fund" means a school corporation fund established under IC 21-2-11-2.

(h) "Teacher" means every person who is required as a condition of employment by a school corporation to hold a teacher's license issued or recognized by the state, except substitutes and any person paid entirely from federal funds.

(i) "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;

(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under IC 20-8.1-6.1, because the pupil is transferred for education to another school corporation (the "transferee corporation");

(3) the pupil is enrolled in a school corporation as a transfer student under IC 20-8.1-6.1-3 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;

(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under IC 20-8.1-6.1; or

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care facility, or foster family home where the pupil was placed:

(i) by or with the consent of the division of family and children;

(ii) by a court order;

- 1 (iii) by a child placing agency licensed by the division of
2 family and children; or
3 (iv) by a parent or guardian under IC 20-8.1-6.1-5.
4 (k) "General fund budget" of a school corporation means the amount
5 of the budget approved for a given year by the state board of tax
6 commissioners and used by the state board of tax commissioners in
7 certifying a school corporation's general fund tax levy and tax rate for
8 the school corporation's general fund as provided for in IC 21-2-11.".
9 Renumber all SECTIONS consecutively.
(Reference is to ESB 176 as printed April 6, 2001.)

Representative Harris